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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 MATTHEW J. SANCHEZ,

12 Plaintiff,

13 v.

14 MARY ANN WOLLET, *et al.*,

15 Defendants.
16

Case No. 1:24-cv-0649 JLT EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
PLAINTIFF’S MOTION TO PROCEED *IN*
FORMA PAUPERIS, AND DIRECTING
PLAINTIFF TO PAY THE FILING FEE IN FULL
WITHIN 30 DAYS

(Docs. 4, 9)

17 Matthew Sanchez seeks to proceed *in forma pauperis* in this action, in which he seeks to hold the
18 defendant liable for violating his civil rights while incarcerated at the Bob Wiley Detention Facility.
19 (*See* Doc. 1, 4.) The magistrate judge found Plaintiff’s allegation of poverty is untrue. (Doc. 9 at 3.) The
20 magistrate judge observed that “Plaintiff received routine deposits” into his trust account and “had a
21 balance of \$221.51 when he submitted his IFP application claiming he has zero cash and zero assets.”
22 (*Id.* at 3-4.) The magistrate judge noted that in response to the Court’s Order to Show Cause, “Plaintiff
23 admits his statements were untrue and that he knew they were untrue at the time they were made.” (*Id.* at
24 3.) The magistrate judge observed, “Plaintiff is intentionally deceiving prison authorities in order to
25 allow other inmates to avoid prison rules regarding their spending,” because he allowed other inmates to
26 put money on his account “to beat the system,” when others were not permitted to make purchases on
27 their own accounts. (*Id.*) The magistrate judge also found Plaintiff acted in bad faith, because he
28 diverted funds prior to filing this action and seeking to proceed *in forma pauperis*. (*Id.*) The magistrate

1 judge noted it was “within the Court’s discretion to dismiss this case with prejudice” based upon the
2 finding that Plaintiff acted in bad faith but indicated “the Court will stop short of recommending the
3 harshest sanction in this case.” (*Id.* at 4.) Therefore, the magistrate judge recommended “Plaintiff be
4 required to pay the filing fee in full should he wish to proceed with this case.” (*Id.*)

5 The Court served the Findings and Recommendations on Plaintiff and notified him that any
6 objections were due within 30 days. (Doc. 9 at 5.) The Court advised Plaintiff the “failure to file
7 objections within the specified time may result in the waiver of rights on appeal.” (*Id.* at 5, citing
8 *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014).) Plaintiff did not file objections, and the
9 time to do so has passed.

10 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having
11 carefully reviewed the entire matter, the Court concludes the Findings and Recommendations are
12 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 13 1. The Findings and Recommendations issued on September 20, 2024 (Doc. 9) are
14 **ADOPTED** in full.
- 15 2. Plaintiff’s application to proceed *in forma pauperis* (Doc. 4) is **DENIED**.
- 16 3. Plaintiff **SHALL** pay in full the \$405.00 filing fee within 30 days of the date of service of
17 this order.

18 **Plaintiff is advised that failure to pay the required filing fee as ordered will result in the**
19 **dismissal of this action without prejudice.**

20
21 IT IS SO ORDERED.

22 Dated: **October 27, 2024**


UNITED STATES DISTRICT JUDGE